

## **MINUTES**

### **City of Franklin, Indiana BOARD OF ZONING APPEALS**

**January 6, 2016**

#### **Members Present:**

Tim Holmes	President
Phil Barrow	Vice-President
Jim Martin	Secretary
Brian Alsip	Member
Rev. Richard Martin	Member

#### **Others Present:**

Alex Getchell	Associate Planner
Lynn Gray	Legal Counsel
Julie Spate	Recording Secretary

#### **Call to Order:**

Tim Holmes called the meeting to order at 7:00 pm.

Lynn Gray swore in Rev. Richard Martin and Brian Alsip as reappointed to the Board by the mayor.

#### **Election of Officers**

Jim Martin nominated Tim Holmes for chairman of BZA. Phil Barrow seconded. Motion approved.

Mr. Alsip nominated Phil Barrow as Vice Chairman. Mr. Martin seconded. Approved.

Mr. Barrow nominated Mr. Martin as secretary with a second from Mr. Alsip. Approved.

#### **Appointment of Legal Counsel**

Mr. Martin made a motion to appoint Lynn Gray as legal counsel. Rev. Martin made a second. Approved.

#### **Approval of Minutes:**

Mr. Barrow made a motion to approve the December 2, 2015 minutes as submitted. Mr. Martin seconded the motion. The members voted to approve the minutes.

#### **Swearing In:**

Lynn Gray swore in the audience en masse.

#### **Old Business:**

None.

## **New Business:**

### **ZB 2015-19 (V) – Chris Young**

Alex Getchell introduced ZB 2015-19 (V), a petition for a developmental standards variance at 200 N Morton Street for Don's Auto Sales. The agent present this evening is Chris Young. The developmental standards variance request is to allow variances from Article 5, Chapter 4, to allow outdoor storage of merchandise, in this case vehicles for sale, in the Gateway-Overlay district and from Article 7, Chapter 10, to allow those merchandise vehicles to be parked without individually painted parking spaces in the MXC and Gateway-Overlay zoning districts. A variance is needed as the petitioners wish to store vehicles outside as merchandise in a designated "show area" which would not have individually painted parking spaces. The application is complete and the public notification requirements have been met. The petition is ready for the board's consideration and action. Ms. Gray explained what the presenter needed to do.

Chris Young, agent for and employee of Don Bunch, fully authorized to speak on behalf of the owner and fully authorized to bind the property owner to any commitments made in this meeting, explained that current zoning requires vehicles to be adjacent to the building, only allowing six cars, not enough to sustain a business. Mr. Young stated the request is for a lined-off show area. Otto's paint markings has been contracted to do the work and identified three parking spots against the show area and one handicapped spot to the south and a second was pointed out on the PowerPoint slide shown at the time. Mr. Young does not think it will affect other businesses negatively as it would bring business to the area.

Mr. Getchell reiterated that Mr. Young is listed as the agent on the application and Mr. Bunch has signed the application as the applicant. The property owner is a third party who has signed their consent.

1. General Welfare: Mr. Young maintains it won't affect the public at all, likely even safer because people will not be driving in and out of the show area.
2. Adjacent Property: It should help because it will generate more business.
3. Practical Difficulty: Mr. Young explained that with the vehicles being required to be adjacent to the building only two to three cars along a side could be parked and the area in front would have to be left open for two-way traffic, so only four to six cars would be allowed on the lot, not enough to sustain a business.

Mr. Barrow asked what the property is currently used for. Mr. Getchell responded most recently a summer produce market and prior to that a bail bondsmen.

Mr. Holmes asked how they will limit the traffic through the show area. Mr. Young says it will be completely marked off and cars parked in such a way that vehicles can't pass through. Ms. Gray asked if Mr. Young is committing to the show area not being used for vehicular traffic passing through. Mr. Young confirmed.

Mr. Martin asked if it will be barricaded. Mr. Getchell said barricading would not allow vehicles to be moved in and out for customers to perform test drives easily. Rev. Martin asked if signage would help at all. Mr. Getchell further explained due to the need for vehicle movement for customers to test drive, signage would not be recommended because it would be too hard to navigate around permanent signage.

Mr. Martin asked how many cars will be on the lot. Mr. Young hopes for approximately 25 cars safely. Ms. Gray asked if there is a car limit on the property. Mr. Getchell responded no as long as they are completely within the show area. Ms. Gray followed up with the question of car lifts with four or five cars on them. Mr. Young identified the report's citing that trucks and haul trailers, etc., cannot be there for more than two hours. Mr. Getchell doesn't see this as a concern, as this is similar to Matlock, Bradley, etc., but on a smaller scale. Mr. Young stated he does not foresee them ever stacking cars on top of each other.

Mr. Holmes asked Mr. Getchell what is considered adjacent to the building. Mr. Getchell explained the north, east and south sides of the building immediately next to it is adjacent. Ms. Gray asked if cars could be parked in setbacks or right-of-way. Mr. Getchell responded that there can be no parking in the right of way. Mr. Getchell reiterated that Mr. Young plans to mark the show area all the way around so it is perfectly clear where cars can and cannot be. Ms. Gray asked if it would assist the board's comfort level to have staff confirm the show area with non-delineated parking spaces before the operation begins. Mr. Young handed out the official diagram from Otto's, taken into record as Exhibit "A."

Ms. Gray and Mr. Getchell had a discussion over the wording of the first recommended condition in the staff report. Both agreed the condition should specifically reference the new site plan, Exhibit "A", provided by Mr. Young at the meeting.

Mr. Barrow asked about any plan for a repair business. Mr. Young confirmed no repair, with the exception of batteries, lights, flat-tires, etc. Ms. Gray asked if auto-repair was permitted. Mr. Getchell confirmed that it was, but reminded that vehicles associated with auto repair shop would have to be stored behind an opaque fence. Mr. Barrow also asked where is the show room and Mr. Young explained there is just one office area for all customers to do business in.

Rev. Martin asked if the unloading of cars for no more than two hours will be on 31. Mr. Young anticipates it would be in the alley or on King Street. Ms. Gray highlighted that in granting this variance there is not a waiver on any other traffic regulations. Mr. Alsip asked how often the hauler will be there. Mr. Young stated they normally go to sales twice a week and it also depends on how many cars they sell and how often. Mr. Alsip feels it's okay for the hauler to be parked in the show area if the display area is not full. Ms. Gray explained it is intensity of use given the circumstances of the lot. Best case scenario is the hauler to be able to pull completely into the show area to unload cars and then leave.

Mr. Getchell explained provision in the municipal code that allows for two hours of loading and unloading on public ways. But on 31, the police are likely to ask for the hauler to be moved.

The staff recommendation for approval was given by Mr. Getchell with the following conditions:

- a. The merchandise vehicle "show area," as shown on Exhibit "A", with non-delineated parking spaces, shall have a solid white line, marked with appropriate pavement markings, for the entire boundary of the "show area," as indicated on Exhibit "A".
- b. All merchandise vehicles shall be stored completely within the marked boundaries of the merchandise vehicle "show area." Merchandise vehicles parked over the boundary line or within any of the required employee or customer parking spaces or interior drives shall be strictly prohibited.

- c. Required parking spaces for employees and customers shall be provided as individually delineated parking spaces and shall be marked with appropriate pavement markings, as indicated on the attached site plan, and in accordance with the zoning ordinance standards.
- d. Storage of car carrier trucks and/or trailers, including loading/unloading, in excess of two (2) hours shall be prohibited.
- e. All necessary permits/approvals shall be obtained, including but not limited to: site development plan approval, building permits, sign permits, etc.
- f. Vehicular traffic in and/or through the merchandise vehicle show area shall be prohibited, except for the placement and removal of the merchandise vehicles.

Mr. Holmes called for any more questions from the board. There being none, he asked Mr. Young if all the terms were acceptable to him, and Mr. Young confirmed they were.

A motion to approve this case with six conditions was made by Rev. Martin. A second was made by Mr. Barrow. The motion passed.

Mr. Holmes asked what permits Mr. Young needed. Mr. Getchell will sign the state license permit needed, tonight. Sign permits will be needed for any signs on the building. The site development plan was approved administratively.

**Other:**

None.

A Franklin College January term leadership class in attendance for course-required observation introduced themselves.

**Adjournment:**

There being no further business, the meeting was adjourned at 7:38 pm.

Respectfully submitted this 3rd day of February, 2016.

---

Tim Holmes, President

---

Jim Martin, Secretary